



PRESENT:

Dr. Edgar V. Wallin, Chairman
Mr. J. Dale Patton, Vice-Chairman
Dr. William P. Brown
Mr. Russell J. Gulley
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Glenn Larson, Assistant Director,
Plans and Information Section, Planning Department
Ms. Bonnie L. Perdue, Clerk to the Commission,
Plans and Information Section, Planning Department
Mr. Steve Haasch, Planning Manager,
Plans and Information Section, Planning Department
Mr. Rob Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Senior Assistant County Attorney,
County Attorney's Office
Mr. Greg Allen, Planning Manager,
Review Section, Planning Department
Ms. Jane Peterson, Planning Manager,
Development Review Section, Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Development Review Section, Planning Department
Ms. Darla Orr, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Ryan Ramsey, Planning and Special Projects Manager,
Development Review Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Development Review Section, Planning Department
Mr. Jesse Smith, Director,
Transportation Department
Mr. Scott Smedley, Director
Environmental Engineering Department

Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Firefighter Greg Smith, Fire and Life Safety,
Fire and EMS Department
Mr. Andy Hawkins, Assistant Superintendent
Chesterfield County Public Schools
Dr. Cynthia Richardson, Planning Administrator,
Chesterfield County Public Schools
Mr. Robbie Dawson, Assistant Chief
Fire and EMS, Fire Administration

ASSEMBLY AND WORK SESSION.

Messrs. Wallin, Patton, Brown, Gulley and Waller and staff assembled at 2:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

Mr. Turner introduced Ms. Chelsea Hartman, demographer for the Planning Department.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions, or changes in the order of presentation.

III. ADOPTION OF PLANNING COMMISSION 2015 CALENDAR YEAR AND JANUARY 2016 ANNUAL MEETING DATES.

The Commission discussed the proposed meeting dates.

On motion of Mr. Gulley seconded by Mr. Waller, the Commission resolved to approve the proposed Planning Commission 2015 Calendar Year and January 2016 Annual Meeting dates as proposed.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

IV. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for December, January, February and March.

V. REVIEW DAY'S AGENDA.

Ms. Jane Peterson provided an overview to the Commission of the twelve (12) cases for today's agenda.

VI. WORK PROGRAM - REVIEW AND UPDATE.

There were no questions relative to the work program.

VII. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.

There were no questions relative to the follow-up items list.

VIII. (15PJ0105) RICHMOND REGIONAL PLANNING DISTRICT COMMISSION PRESENTATION.

Mr. Bob Crum, executive director with the Richmond Regional Planning District Commission (PDC) presented an overview to the Commission.

Mr. Crum discussed various aspects of the Richmond PDC's operations, including their membership, purpose, recent projects and their role in the Metropolitan Planning Organization (MPO).

In response to a question from Mr. Patton relative to Chesterfield being the only County supporting two (2) Planning District Commissions, Mr. Crum responded that there was one (1) other jurisdiction in Virginia with a similar arrangement, but he couldn't remember it.

In response to a question from Mr. Waller relative to long range planning to 2050 and managing water from the James, Mr. Crum responded the Cobb's Creek conversation is long range, there are conversations with DEQ and the impacts of water withdrawals; however there is no long term plan.

Dr. Wallin stated that PDC could enhance the coordination of water resources in the region.

IX. DISCUSSION REGARDING SCHOOL IMPROVEMENTS AND REVITALIZATION EFFORT.

Mr. Andy Hawkins, Assistant Superintendent with County Schools presented information regarding the status of school revitalization projects. He reviewed projects for Monacan High School, Providence Middle School and Manchester Middle School. He reiterated that these investments are the centerpiece of revitalization efforts in their areas.

In response to a question from Mr. Gulley relative to the dollar amount allocated to renovate Monacan High School, Mr. Hawkins responded \$14 million was designated for the renovations at Monacan which include a new gym and some administration areas.

Mr. Gulley said the feedback from the community indicates they wanted a new school with multiple stories, tear the old building down and put a new athletic field where the old building used to be. Since this is the oldest school in the County, it's a disappointment that it will not get a major renovation.

Mr. Hawkins stated there are many older schools in the County especially in the Ettrick-Enon area.

In response to a question from Mr. Waller relative to neighborhood outreach at Monacan, Mr. Hawkins stated he cannot speak to the kind of neighborhood outreach done at Monacan as he has only been in this position for fifteen (15) months.

In response to a question from Mr. Patton relative to other programs being integrated in the schools relative to nutritional issues and quality of life programs tied in to Revitalization, Mr. Hawkins responded all County elementary schools are tied to the federal free and reduced lunch program. Starting next year the secondary schools will be on the federal program too.

In response to a question from Dr. Brown relative to the deferral of on-going maintenance of physical facilities, Mr. Hawkins responded that during the recession, many school districts had to push back regular maintenance of buildings and of the school bus fleet.

In response to a question from Dr. Wallin relative to programmatic needs and guidelines Mr. Hawkins responded that the architect meets with school instructional leaders to determine what kind of school is envisioned. They will take that data and when they meet with the community they will describe how their design will meet the needs of the school leaders. Architects at Providence Middle School have already met with school leaders to get ideas and school leaders and architects will meet with the community to present the ideas and look for input from the community.

In response to a question from Mr. Waller relative to discussions with the community about school renovations, Mr. Hawkins stated while any renovated school will be the best instructional school they can design, he also wants it to be able to serve the community as well. The community meetings will encompass all of the community like Parks and Recreation, the YMCA, parents of students; people that live in the community and community churches.

X. (14PJ0154/0161) TOWER SITING POLICY-SETBACKS & SMALL CELL TECHNOLOGY UPDATE 

Mr. Robert Clay stated the Commission met with industry experts at the October 2014 Planning Commission Work Session and staff was asked to come back at the November 2014 Planning Commission Work Session to provide a brief update as to where staff is with regards to bringing forward amendments to the Zoning Ordinance and Telecommunications Tower Siting Policy. There were two (2) concerns identified relative to tower setbacks; the Tower Siting Policy did not take into consideration setbacks of facilities from off-site dwellings and secondly, the relationship of fall zones and lease lines needed to be clarified. Staff is considering that fall zones should be within the lease area and modifying requirements of setbacks as there were inconsistencies with how they were being applied. Staff is recommending setbacks from off-site dwellings be a minimum of 200 feet, except that for towers above 100 feet in height an additional setback of 2 feet for each 1 foot of tower height above 100 feet. Staff also looked at the possibility of exceptions being requested for setbacks and will take into consideration any design criteria that has been established by the Comprehensive Plan when analyzing any requested exceptions.

In response to a question from Mr. Patton relative to the lease space and fall zone, for a typical half acre property where there is a tower lease with a monopole of two hundred (200) feet, Mr. Clay responded this may require the applicant to expand their lease area to accommodate the fall zone. Or this would require them to establish a fall zone based upon the tower design that would allow it to collapse within the parameters of the lease area.

In response to a question from Mr. Gulley relative to the setbacks coming closer to dwellings, Mr. Clay stated the tradeoff is the fall zone located within the lease area. If the fall zone is within the lease area it minimizes the safety concerns if the tower should collapse.

Mr. Clay advised staff must first establish the definition of Small Cells to distinguish them from typical cell towers. Staff would recommend including Small Cells as a restricted use in all districts provided they meet certain criteria. Staff would consider them restricted uses where they co-locate on high-tension power lines, on utility poles, and are architecturally incorporated on non-residential buildings such as community centers, churches and schools. In multi-family residential areas, they would be considered architecturally incorporated if on buildings with a minimum of three (3) stories. There are still questions about how many Small Cells would be acceptable if co-located on a building.

In response to a question from Mr. Patton relative to the definition of the Small Cell and it being considered a product with restrictions, Mr. Clay responded even if it is allowed with restrictions and all of the restrictions were met, a Substantial Accord determination would still be required.

In response to a question from Dr. Wallin relative to the Small Cells, Mr. Clay stated the Small Cells units would require a Substantial Accord determination or if they couldn't meet the restrictions, they would get a Conditional Use Permit.

Mr. Waller stated the Commission should be able to handle the Small Cell decision quicker than what was done with Cell Towers.

Mr. Turner stated Staff will work with the County Attorney's office to find what leeway we have within the State Code relative to Substantial Accord Determination and will touch base with Mr. Gulley regarding setbacks so this can be voted up or down in December.

The Commission recessed at 3:57 p.m.

The Commission reconvened at 4:10 p.m.

XI. (14PJ0130) INFILL DEVELOPMENT STUDY.

Mr. Jimmy Bowling explained the topic of Infill was deferred last month to the November Work Session to allow the Commission to meet with the Richmond Association of Realtors (RAR) and the Home Builders Association of Richmond (HBAR) for Infill discussions.

Mr. Gulley stated that it was clear to him from the leadership with RAR that Staff needs to package Infill and Revitalization together and bring them forward together to the Board.

Mr. Patton stated the realtor community is looking for guidance with regard to Infill and we have been talking about it for two (2) years and he would like to see something move forward.

Mr. Waller stated Staff has spent a substantial amount of time on Infill. He is not sure every parcel that hasn't been developed needs to be developed and the market understands why an acre here or there has not been built. He treats Revitalization as a different story and he would prefer to table Infill indefinitely and spend time and energy on the Special Area Plans and Revitalization efforts.

Dr. Wallin stated the issue of Infill verses Revitalization is confusing and that the Infill discussion has underscored the need to get moving on Revitalization. To distinguish Infill from Revitalization has proven a challenge that is greater than what the Commission anticipated. Revitalization deals with anything that Infill would deal with. From a bureaucratic and time standpoint, he is comfortable with tabling Infill and getting to work on Revitalization by trying to find package incentives for developers.

Mr. Turner stated initially staff did not know exactly what Infill meant so they researched it to determine if there was value in it. He stated, we are a suburban jurisdiction and there is no value or benefit in defining the term Infill in Chesterfield County. He agrees with Mr. Waller's suggestion of focusing on the Special Area Plans and on the inner rings of Chesterfield to see what we can do to bolster investment for those properties and the properties around the schools slated for renovations.

Dr. Brown supports everything Mr. Turner stated.

Mr. Waller stated in the meeting he and Mr. Gulley attended with RAR, Mr. Dupler stated the lack of certainty of what the development community could expect by going into these re-development areas is part of the delay. If we could give them reasonable expectations about what the incentives are, it would go a long way to bring better development into these areas.

Mr. Gulley stated part of Revitalization is addressing our aging neighborhoods. This has to be a focus or we will get further behind. We need to think about what kind of Ordinance amendments needs to be developed to help turn the aging neighborhoods around and what can be done for the growing number of rental properties in neighborhoods. Often the rental properties are the biggest problem in a neighborhood as the outside structure is not properly maintained.

Dr. Wallin asked that the Ettrick Special Area Plan be presented at the December Work Session. It will be a concrete step toward moving forward to the other Special Area Plans. The quicker we get this Plan approved, it will say to the industry and community we are serious about Revitalization.

On motion of Mr. Gulley, seconded by Mr. Waller the Commission resolved to table the Infill Development discussion and to focus on the Revitalization effort.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

XII. DINNER BREAK.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:31 p.m., agreeing to meet in the Executive Meeting Room for dinner, and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

II. INVOCATION.

Dr. Wallin presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Julia Fogle, Lauren Cassano, Ashton Foldenauer and Linden Madison, students from Bettie Weaver Elementary School led the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agendas for December, January February and March.

V. APPROVAL OF THE PLANNING COMMISSION MINUTES.

- October 21, 2014 Minutes.

Mr. Gulley noted the following corrections:

- Page 3, Tower Siting, first paragraph, should read, Mr. Jeff Geiger, an attorney representing Verizon.
- Page 3, Tower Siting, third paragraph, third sentence should read, "If the existing Policy setbacks are maintained, he requested language be included..."
- Page 5, fifth paragraph, Laurie Swelle should read Lori Schweller.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to approve the October 21, 2014 Planning Commission minutes as amended.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner requested Case 15SN0596 **Colony Village, LLC** move to the end of the cases under Deferral Request by Individual Planning Commissioner.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters.

IX. PUBLIC HEARING.

• DEFERRAL REQUEST BY APPLICANT - REZONING.

- A. **12SN0154***: (AMENDED) In Dale Magisterial District, **Dominion Investment Partners, LLC** requests rezoning from Residential Townhouse (R-TH) to Residential Multifamily (R-MF) and amendment of zoning district map on 30 acres fronting in two (2) places for a total of 1,135 feet on the north line of Genito Road, across from Genito Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for High Density Residential use (minimum 8.0 to 12.0 dwellings per acre). Tax IDs 747-681-7089, 747-682-7022 and 8276; and 748-681-0499.

Mr. Jace Padden, the applicant's representative, requested deferral of Case 12SN0154 to the February 17, 2015 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to defer Case 12SN0154 to the February 17, 2015 public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

• DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER – CONDITIONAL USES.

- B. **13SN0519**: In Bermuda Magisterial District, **River's Bend East, LLC** requests amendment of zoning (04SN0197) to modify cash proffers, tract boundaries & zoning map on 221.8 acres zoned R-12 located north of Meadowville Rd & within Meadowville Landing Subdivision. Density set by zoning conditions or ordinance. Comp Plan suggests Low (max 1 units/ac), Med-High Density Residential (min 4-8 units/ac) & water opportunity uses. Tax IDs 822-661-3043, 4694, 4969, 5346, 9039, 9171 & 9416; 822-662-5422, 7709, 7732 & 8838; 823-660-1465 & 2793; 823-661-0132, 0310, 0653, 1195, 2713, 2779, 3490, 5194, 7485, 7597 & 7971; 823-662-0923, 5888, 7911, 8124 & 9432; 824-661-0060, 0183, 1365, 1492, 3482, 4392 & Pt of 4626; 824-662-0210, 0424, 1480, 2105, 2538, 2663, 2686, 3717, 3991, 4065, 4955, 5678, 6468, 6957, 7345 & 8086; 824-663-2711, 4117, 6027, 7202, 7331 & 8408; 825-660-9979; 825-661-6811; 825-662-6584, 7258, 7891 & 9097; 825-663-0139, 1214 & 7439; 826-661-8420; 826-662-0976, 2377, 3575, 4772, 5664, 5899 & 6770; & 826-663-0301, 1603, 3002 & 4301.

Mr. Jace Padden, the applicant's representative, does not consent to the deferral of Case 13SN0519 by Mr. Patton to the December 16, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission, on their own motion and without the applicant's consent, resolved to defer Case 13SN0519 to the December 16, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- D. **15SN0562:** In Clover Hill Magisterial District, **R. E. Collier Builder, Inc.** requests rezoning from Agricultural (A) to Residential (R-15) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 5.2 acres lying 160 feet off the east line of Rams Crossing at Brookstone Crossing, 715 feet south of Rams Crossing Court. Residential use of up to 2.90 units per acre is permitted in the Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for Mixed Use Corridor use. Tax IDs 755-690-9053 and 756-690-0292.

Mr. Andy Scherzer, the applicant's representative, does not consent to the deferral of Case 15SN0562 by Mr. Gulley to the December 16, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission, on their own motion and without the applicant's consent, resolved to defer Case 15SN0562 to the December 16, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- F. **15SN0593:** In Bermuda Magisterial District, **Virginia Health Care Waste Management Cooperative, Inc.** requests conditional use to permit a medical waste transfer and treatment facility and amendment of zoning district map in a Heavy Industrial (I-3) District on 1.9 acres known as 1820 Osborne Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 802-659-1030.

Mr. Christopher Gill, the applicant's representative, accepted deferral of Case 15SN0593 by Mr. Patton to the January 20, 2015 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission, on their own motion and with the applicant's consent, resolved to defer Case 15SN0593 to the January 20, 2015 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- I. **15SN0596*****: In Bermuda Magisterial District, **Colony Village LLC** requests amendment of conditional use (Case 07SN0292) to increase the number of multifamily residential units and amendment of zoning district map in Community Business (C-3) and General Business (C-5) Districts on 16.8 acres fronting 825 feet on the west line of Jefferson Davis Highway, 155 feet south of Velda Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for General Commercial and Community Commercial uses. Tax IDs 794-665-8176 and 794-666-6719.

Ms. Carrie Coyner, the applicant's representative, does not consent to the deferral of Case 15SN0596 by Mr. Patton to the December 16, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission, on their own motion and without the applicant's consent, resolved to defer Case 15SN0596 to the December 16, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- **CONSENT ITEMS - REZONINGS.**

- C. **15SN0516**: In Clover Hill Magisterial District, **The Holladay Corporation** requests amendment of amendment of conditional use planned development (Case 85S002) to permit a group care facility and amendment of zoning district map in a Corporate Office (O-2) District on 8.6 acres known as 5800 and 5801 Harbour Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office and waterfront opportunity uses. Tax IDs 730-675-1282 and 4590.

Ms. Jennifer Mullen, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0516, subject to the proffered conditions and the Magisterial District correction in the addendum:

PROFFERED CONDITIONS:

The undersigned, owners of the parcel designated Parcel Identification Numbers 730-675-1282 and 730-675-4590, ("the Property"), voluntarily agrees for themselves, their agent, personal representatives, successors and assigns (collectively "the Property Owner") that, in the event Case 85SN002 is amended with respect to the previously granted Conditional Use Planned Development applicable to the Property to permit a group care facility, the development and use of the Property shall be subject to the following conditions in addition to conditions approved with Case 85SN002:

1. Exterior Elevations. Unless otherwise approved by the Director of Planning, the materials, color and style, shall be substantially compatible with the elevations entitled "Brandermill Assisted Living" (elevations) dated October 2, 2014, and generally as shown on the conceptual renderings entitled "Brandermill Assisted Living" (renderings) dated August 2014 and both prepared by Hord Coplan Moacht Inc. (P)
2. Steep Slopes. Slopes of 20% or greater which are not within the construction limits required to redevelop the Property as an assisted living facility shall remain undisturbed, except as otherwise approved by the County Environmental Engineer. (EE)

(STAFF NOTE: WITH THE APPROVAL OF THIS CASE, A GROUP CARE FACILITY SHALL BE PERMITTED SUBJECT TO THE APPROVED CONDITIONS. ALL CONDITIONS OF CASE 85SN0002 SHALL ALSO REMAIN IN FORCE AND EFFECT.)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- E. **15SN0563:** In Clover Hill Magisterial District, **North State Acceptance** request conditional use to permit a consumer finance company and amendment of zoning district map in a General Business (C-5) District on 6.9 acres fronting 965 feet on the south line of Midlothian Turnpike, 45 feet west of Sturbridge Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 747-709-3714.

Mr. Kenneth Herr, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0563 subject to the proffered conditions:

PROFFERED CONDITIONS:

1. Use Permitted: This conditional use approval shall permit the operation of one (1) consumer finance establishment on the subject property. (P)
2. Signage: Neon window signs shall not be permitted. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- H. **15SN0595**: In Midlothian Magisterial District, **Bickford Senior Living c/o Richard Eby** requests conditional use to permit a group care facility and amendment of zoning district map in a Residential (R-15) District on 4.5 acres known as 11201 Big Oak Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax ID 743-716-Part of 3133.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

Due to opposition to the case, it was moved to the end of the discussion agenda.

- J. **15SN0597**: In Bermuda Magisterial District, **Edward M. Farley, IV** requests rezoning from General Business (C-5) to Community Business (C-3) plus conditional use planned development to permit exceptions to ordinance requirements relative to buffers and setbacks and amendment of zoning district map on 1.6 acres known as 11640 Jefferson Davis Highway. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Commercial use. Tax ID 797-659-2451.

Mr. David DeCou, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0597 subject to the proffered conditions:

PROFFERED CONDITIONS:

1. The Textual Statement dated October 23, 2014 shall be considered the Master Plan. (P)
2. Unless otherwise approved by the Director of Planning, the architectural treatment of the primary building, to include materials, color and style, shall be substantially compatible with the building shown on Exhibit A dated October 30, 2014. (P)
3. A minimum of a six (6) foot tall solid fence shall be installed generally along the western property boundary of the property adjacent to Tax IDs 797-659-0359 and 797-659-0538. (P)
4. The main entrance for the primary building on the property shall be oriented toward Jefferson Davis Highway. (P)
5. Any business operating on the property shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m., with the exception of the Friday following Thanksgiving Day, when retail business hours of operation shall be limited between 3:00 a.m. and 11:00 p.m. (P)
6. Dumpsters shall not be serviced between the hours of 7:00 p.m. and 7:00 a.m. (P)
7. There shall be no truck deliveries between the hours of 11:00 p.m. and 6:00 a.m. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

K. 15SN0598: In Bermuda Magisterial District, **Timoteo Amador** requests amendment of zoning (Case 05SN0129) relative to use and hours of operation and amendment of zoning district map in a Community Business (C-3) District on 2.3 acres fronting 30 feet on the south line of Dundas Road, 145 feet east of St. George Street. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Commercial use. Tax ID 790-683-5379.

Mr. Mark Baker, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

Ms. Renae Eldred, spoke in favor of the applicant.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0598 subject to the proffered conditions:

PROFFERED CONDITIONS:

The Applicant hereby amends Proffered Condition 1 of Case 05SN0129 to read as follows:

1. The uses permitted shall be limited to the following:
 - a. Contractors' Offices and Display Rooms;
 - b. Offices;
 - c. Warehouses for permitted uses;
 - d. Churches. (P)

The Applicant hereby amends Proffered Condition 11 of Case 05SN0129 to read as follows:

2. No use shall be open to the public between the hours of 8:00 p.m. and 6:00 a.m., except Churches, which shall not be open to the public between the hours of 10 p.m. and 6:00 a.m. (p)

(NOTE: Except as amended herein, all previous conditions of zoning approved in Case 05SN0129 shall remain in full force and effect.)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- L. **15SN0603***:** In Matoaca Magisterial District, **Cellco Partnership d/b/a Verizon Wireless** requests conditional use to permit a communications tower and amendment of zoning district map in a Residential (R-88) District on 1 acre fronting 545 feet in two (2) places on the south line of Lake Chesdin Parkway, 445 feet east of Chesdin Green Way. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use (maximum of 0.5 dwellings per acre). Tax ID 731- 625-Part of 6677.

Ms. Jennifer Mullen, applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 15SN0603 subject to the proffered conditions:

PROFFERED CONDITIONS:

1. The flagpole/tower shall be located as generally depicted on the plans and elevations prepared by Dewberry Engineers Inc., titled Verizon Wireless: Chesdin Landing, 21801 Lake Chesdin Parkway and identified as Attachments 2 and 3 in the "Request Analysis and Recommendation". (P)
2. There shall be no signs permitted to identify this use. (P)

3. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the lease boundary line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)
4. The color, design and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be designed and erected as a stealth monopole with internally mounted antennas. (P)

(NOTE: The tower will be designed and constructed as a “slick stick” monopole, as depicted in the elevation drawing attached with the staff report.)
5. Any building or mechanical equipment shall comply with the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment in O, C and I Districts. (P)

(NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower.)
6. Prior to use of this telecommunications tower, the owner of the tower shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
7. The tower shall not exceed a height of 122 feet. (P)
8. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)
9. A thirty (30') foot tree preservation area shall be provided on the Property (the “Tree Buffer”), as identified on Attachment 2. Such area shall comply with the requirements of the Zoning Ordinance for buffers less than fifty (50) feet. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- H. **15SN0595:** In Midlothian Magisterial District, **Bickford Senior Living c/o Richard Eby** requests conditional use to permit a group care facility and amendment of zoning district map in a Residential (R-15) District on 4.5 acres known as 11201 Big Oak Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax ID 743-716-Part of 3133.

Mr. Robert Clay presented an overview and staff's recommendation for approval. Adjacent properties are zoned R-40, R-25, R-15, R-12, vacant and corporate office uses. He noted the Comprehensive Plan suggests the property is appropriate for low density residential use, however, given the location and the limited size and depth of the property, the proposed use provides appropriate land use transition to existing residential development. When located on sites with limited acreage and depth, fronting on an arterial adjacent to, but not within a residential area, the Plan suggest neighborhood office and limited corporate offices may be appropriate if designed to be compatible with and minimize impacts on adjacent residential development. Conditions have been submitted that address development impacts. Both conditions include development standards, architectural treatment and density.

Mr. Jim Theobald, the applicant's representative, accepts staff's recommendation.

Dr. Wallin opened the floor for public comments.

Mr. Lenny Andersen voiced support for the development.

Mr. Mark Stevens voiced opposition to the development and feels this proposed development is a departure from the Land Use Plan. Ms. Kathleen Marks voiced concerns against the development and spoke about the number of vehicles that this facility will draw on a daily basis.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one to else to speak, Dr. Wallin closed the public hearing.

In response to a question from Mr. Waller relative to commercial dumpsters, Mr. Clay advised they cannot be serviced between 9 p.m. and 6 a.m.

In response to a question from Mr. Waller relative to no parking signs, Mr. Jesse Smith stated VDOT controls those signs and requests for no parking signs being installed. VDOT typically evaluates the parking situation after a property has been built.

Mr. Bryan Walker stated VDOT would make a decision regarding impacts on parking after the project was constructed.

In response to a question from Mr. Waller relative to the retention pond, Mr. Scott Smedley responded the onsite retention pond has been addressed by the applicant. The proffered conditions for stormwater retention more than meet the requirements.

Mr. Waller stated the applicant has made major attempts to work with the community regarding transportation and the signal light at Huguenot and Big Oak.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 15SN0595 subject to the proffered conditions:

PROFFERED CONDITIONS:

SECOND AMENDED AND RESTATED PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffer shall immediately be null and void and of no further force or effect.

1. Conceptual Plan. The Property shall be developed in general conformity with the conceptual plan attached titled "Bickford Senior Living", prepared by Bowman Consulting, dated October 10, 2014, (the "Conceptual Plan"), relative to the location of service/dumpster areas, vehicular access points and building orientation. (P)
2. Access. Direct vehicular access from the property to Huguenot Road shall be limited to one (1) entrance/exit as generally shown on the Conceptual Plan. The exact location of the access shall be approved by the Transportation Department. (T)
3. Development Standards. Development of the Property shall conform to the development standards of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas except as follows:
 - a. The building, parking and drive setback from Big Oak Lane shall be twenty-five (25) feet with perimeter landscaping C.
 - b. The building, parking and drive setback from Huguenot Road shall be fifty (50) feet from the ultimate right-of-way exclusive of the turn lane provided in Proffer 5.a. below, with perimeter landscaping C.
 - c. A buffer area forty (40) feet in width shall be provided between the Property and the residual parcel to the east planted to perimeter landscaping C standards. (P)
4. Stormwater.
 - a. Stormwater runoff shall be retained based on the 10 year post development rate and released based on the 2 year pre-development rate with the 100 year post development runoff stored to release at a pre-development 100 year storm runoff rate.
 - b. Onsite detention volume shall be provided which is sufficient for the existing culvert capacities, as determined at the time of site plan approval, not to be exceeded. (EE)

5. Road Improvements. Prior to issuance of an occupancy permit, the following road improvements shall be provided subject to final approval by VDOT:
- a. Construction of additional pavement along the westbound lanes of Huguenot Road at the approved access to provide a right turn lane into the Property.
 - b. Construction of additional pavement along Big Oak Lane at the Huguenot Road intersection to provide a separate right turn lane to south-bound Huguenot Road. The approximate length of the right turn lane shall extend from Huguenot Road to the southernmost edge of the triple drainage culverts under Big Oak Lane.
 - c. Construction of a sidewalk along the south side of Big Oak Lane as shown on the Conceptual Plan.
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above.
(T)
6. Architectural Treatment. Any building shall be in general conformance with the elevations attached hereto entitled "Case No. 15SN0595, Elevations 1-5" dated November 4, 2014, relative to architectural style, materials, colors, details and other design features. Exposed exterior walls (above finished grade and exclusive of trim) shall consist of stone, stone veneer, brick, cementitious siding, or a combination of the foregoing. The exact building treatment shall be approved at the time of site plan approval.
7. Density. The assisted living facility shall not have in excess of sixty (60) beds.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- G. **15SN0594**: In Bermuda Magisterial District, **Racetrack Petroleum, Inc.** requests conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in a Community Business (C-3) District on 1.4 acres known as 1740 East Hundred Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 824-647-1461.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial. Neighboring parcels to the north, south, east and west are zoned for commercial uses and are developed for retail office uses or remain vacant. The applicant requests to redevelop and reconfigure the property to build a Raceway gas station and convenience store. As part of redeveloping the site, several setback exceptions are being requested by the applicant. Along Rt. 10 the applicant has proposed to reduce the front setback from forty (40) feet to 6.8 feet with a four (4) foot high, three-rail fence and deciduous trees. An exception is also requested to permit drives from the canopy to Rt. 10 and drives and parking areas between the building and gas canopy. Along North Enon Church Rd., the applicant proposes to reduce the front setbacks for the building, drives and parking from fifty (50) feet to a seven (7) foot setback with a four (4) feet high three-rail fence with deciduous trees planted on center and along the rear property line, the elimination of a setback.

The applicant has proffered additional evergreen plantings to supplement the proffered landscaping in the reduced setback areas. Three (3) areas of evergreen plantings are proposed. The applicant has also proffered per the addendum, an additional area of plantings consisting of a double staggered, evergreen hedge row installed near the intersection of Rt. 10 and North Enon Church Rd. to reduce glare from oncoming traffic. These plantings do not extend along the reduced setbacks along Rt. 10 and North Enon Church Rd. Staff's evaluation of setback reductions typically involves landscaping enhancements offered by the applicant to balance the loss of physical distance between rights of way and proposed improvements. The proposed setback reductions are so significant in this instance they restrict the applicants ability to provide this enhanced landscaping. The applicant should consider reducing the development footprint to allow for appropriate landscaping treatment. Based upon the proposed land improvements and expansion, CDOT has recommended two (2) road improvements; a right turn lane coming into the request property off of North Enon Church Rd. and the construction of a raised median from Rt. 10 to just north of the property access on North Enon Church Rd. that would prevent U-turn movements. Staff finds that the applicant's requests fails to provide adequate separation of parking and drives from adjacent major arterials to accommodate a landscaping treatment that achieves enhanced public safety by defining spaces to influence traffic movements, reduce the visual impact of paved parking and minimize glare on Rt. 10 and North Enon Church Rd. The applicant's request may set a precedent for similar requests in the County and CDOT finds that commitments to providing mitigating road improvements for the anticipated traffic have not been offered, given these considerations, staff recommends denial.

Mr. Jim Theobald, the applicant's representative, stated this case is solely about reduced setbacks. The current facility has six (6) pumps which represent twelve (12) fueling positions and Racetrack is requesting nine (9) pumps or eighteen (18) fueling positions. The site is zoned C-3, which does not restrict the number of pumps and permits any number of other uses. The property is nearly identical to the Old Stage Racetrack site which was approved by the Commission about two (2) years ago and this project represents about a \$4 million investment for the County and will benefit the workers in the area. There are existing pollution issues on the property and Racetrack will facilitate the environmental remediation of the property. The applicant proffered a modified textual statement at the podium which included a hedgerow along Route 10 to mitigate headlights and a revised landscape treatment along North Enon Church Road. CDOT requested they also do road improvements off of North Enon Church Rd. that would wall off the entrance just past the property line. The applicant hired their own traffic analysis and provided that to VDOT who approved the findings. The applicant requests support for this project.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request. There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Patton stated there have been several meetings on this case and the issue of headlight glare has hopefully been addressed by the applicant to the satisfaction of staff and the Commission. There is a substantial drop off of commercial retail on the way to Hopewell east of I-295 so this new project will be welcome in that area. The current site is blighted and has environmental concerns. Mr. Patton understands Transportation concerns, but feels the applicant is providing a better product and there will be improvements on North Enon Church Rd. and he will support the case.

In response to a question from Mr. Waller relative to traffic issues from Amazon and the continued development of Meadowville, Mr. Jesse Smith responded that the Christmas season brings significant traffic backups at Amazon. There is no funding to build the second bridge across I-295 and no plans to enhance North Enon Church Rd. to the fulfillment center. CDOT did recommend to the Board that the widening of North Enon Church Rd. be included as part of the revenue sharing program but that project was deferred. Currently there are no funds to allocate toward the widening of North Enon Church Rd. but he has recommended that widening as part of a future program.

Dr. Brown stated given the current traffic conditions near and around Meadowville, future development will not build there as it is too difficult to get people to work and to get product out. He supports the case.

Dr. Wallin stated if Meadowville is ever to realize its full potential, there has to be an attractive and functional entrance and exit. He will support the case.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0594 subject to the proffered conditions:

PROFFERED CONDITIONS:

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffer shall immediately be null and void and of no further force or effect.

1. Textual Statement. The Textual Statement dated November 18, 2014, shall be considered the Master Plan. (P)
2. Elevations. The building and gas canopy shall have an architectural design generally as shown on the attached elevations. Review and approval of the elevations shall be in conjunction with any site plan review. (P)
3. Transportation.
 - a. Road Improvements. Prior to issuance of an occupancy permit, the developer shall provide a dedicated left turn lane into the site from North Enon Church Road in a manner approved by VDOT and in general conformance with the "Turn Lane Concept Sketch" dated November 6, 2014, prepared by Bowman Consulting attached hereto as Exhibit A.
 - b. Dedication. Prior to issuance of an occupancy permit, the developer shall be required to dedicate, free and unrestricted, to and for the benefit of Chesterfield County, one hundred (100) feet

of right-of-way (the ultimate right-of-way) from the centerline of that part of Route 10 immediately adjacent to the Property. (T)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

X. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

In response to a question from Mr. Waller relative to the growing memory care facilities in the County, Mr. Robby Dawson with Fire and EMS, stated his department could give a presentation to the Commission on EMS response time and call volume for assisted and memory care living facilities. The date of this presentation will be coordinated with Mr. Turner.

XI. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Wallin, seconded by Dr. Brown that the meeting adjourned at 7:44 p.m. to Tuesday, December 16, 2014 at 11:30 a.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

Chairman/Date

Secretary/Date